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SENATE

{ REPORT
No. 651

AMENDING SECTION 125 OF THE NATIONAL DEFENSE ACT TO PROVIDE THAT DISTINCTIVE MARK OR INSIGNIA SHALL NOT BE REQUIRED IN THE UNIFORMS WORN BY MEMBERS OF THE NATIONAL GUARD OF THE UNITED STATES, BOTH ARMY AND AIR

AUGUST 20 (legislative day, AUGUST 1), 1951.—Ordered to be printed

Mr. SALTONSTALL, from the Committee on Armed Services, submitted the following

REPORT

[To accompany H. R. 4113]

The Committee on Armed Services, to whom was referred the bill (H. R. 4113) to amend section 125 of the National Defense Act to provide that distinctive mark or insignia shall not be required in the uniforms worn by members of the National Guard of the United States, both Army and Air, having considered the same report favorably thereon without amendment and recommend that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to amend section 125 of the National Defense Act (39 Stat. 216) so as to eliminate the requirement that the uniforms of the National Guard display a distinctive mark or insignia.

EXPLANATION OF THE BILL

The original enactment (June 3, 1916), of the National Defense Act contained the following provision in the section dealing with the wearing of the military uniform:

Provided further, That the uniforms worn by officers or enlisted men of the National Guard, or by members of the military societies or the instructors and members of the cadet corps referred to in the preceding proviso shall include some distinctive mark or insignia to be prescribed by the Secretary of War or the Secretary of the Navy, to distinguish such uniform from the uniforms of the United States Army, Navy, and Marine Corps.

This requirement was placed in the law because of the fact that National Guard units did not at that time occupy by statute a status as a reserve component of the Army.

The act of June 15, 1933, amended the National Defense Act of 1916 by establishing the "National Guard of the United States" and providing that it should be a reserve component of the Army of the United States. The following extract from section 58 of the National Defense Act is pertinent:

The National Guard of the United States is hereby established. It shall be a reserve component of the Army of the United States * * *.

This gave to the National Guard a dual status, in that individuals were commissioned or enlisted in the National Guard of the several States and at the same time held commissions or appointments in identical ranks in the National Guard of the United States. This closer integration of the National Guard with the other components rendered it inappropriate that a special designation on the uniform should be retained.

It is the purpose of H. R. 4113 to amend section 125 of the National Defense Act so as to eliminate the requirement that the uniform of the National Guard display a distinctive mark or insignia. Nothing in this proposal, however, would preclude the wearing of authorized division or unit insignia by the various units.

RECOMMENDATIONS OF THE DEPARTMENT

The Department of Defense concurs in the proposed legislation and the Bureau of the Budget interposes no objection to its enactment. The views of the Secretary of the Army, speaking on behalf of the Department of Defense in support of the companion bill, S. 965, are contained in the following letter.

DEPARTMENT OF DEFENSE,
Washington, D. C., May 26, 1951.

HON. RICHARD B. RUSSELL,
Chairman, Committee on Armed Services,
United States Senate.

DEAR SENATOR RUSSELL: Reference is made to your request to the Secretary of Defense for the views of the Department of Defense with respect of S. 965, Eighty-second Congress, a bill to amend section 125 of the National Defense Act to provide that distinctive mark or insignia shall not be required in the uniforms worn by members of the National Guard of the United States, both Army and Air. The Secretary of Defense has delegated to this Department the responsibility for expressing the views of the Department of Defense thereon.

The Department of the Army on behalf of the Department of Defense favors the above-mentioned bill.

Section 125: National Defense Act, among other things, requires that the uniforms worn by members of the National Guard include some distinctive mark or insignia to distinguish such uniforms from the uniforms of the United States Army, Navy and Marine Corps. At the time when this law was enacted, 1916, it was considered necessary to distinguish between the uniform worn by the Regular Army and that worn by the National Guard. This differentiation was desirable since National Guard troops as distinguished from Federal troops were used to quell State domestic disturbances. Formerly, National Guard personnel wore a superimposed State abbreviation on their "US" insignia on their uniforms. In 1933 National Guard personnel became members of the National Guard of the United States and have since that date held dual status as members of a Reserve component of the Army of the United States. The requirement that National Guard members wear distinctive mark or insignia detracts from the concept that the National Guard as a Reserve component is an integral part of the Army of the United States. The wearing of divisional or other organizational patches should be sufficient identification of organization members whether from Guard, Reserve or Regular component sources. For the reasons stated, the Department of the Army, on behalf of the Department of Defense, recommends that the bill be enacted.

Enactment of the bill would not involve the expenditure of funds. A small savings would be effected by eliminating the procurement of distinctive insignia.

This report has been coordinated among the departments and boards of the Department of Defense in accordance with procedures prescribed by the Secretary of Defense.

The Bureau of the Budget advises that there is no objection to the submission of this report.

Sincerely yours,

FRANK PACE, Jr.,
Secretary of the Army.

The letter from the National Guard Association of the United States, the original sponsors of this legislation, follows:

JANUARY 19, 1951.

HON. RICHARD RUSSELL,
Senate Office Building, Washington, D. C.

DEAR SENATOR RUSSELL: The National Defense Act, section 125, requires distinctive mark or insignia in the uniforms worn by members of the National Guard. This provision was written into the original act of June 3, 1916, and has been allowed to remain throughout its many revisions. The present status of the National Guard is quite different than when this act was approved in 1916. The National Guard of the United States today is at all times a Reserve component of the Army of the United States and as such should be uniformed in the same manner as the Regular service.

I have prepared a proposed bill to amend section 125 of the National Defense Act, as amended, to delete the requirement for distinctive uniform for the National Guard and will appreciate you having it presented at an early date. I shall be most happy to consult with you regarding the hearings and will, of course, attend at your convenience.

Sincerely yours,

E. A. WALSH,
*Major General, National Guard, Retired,
President.*

CHANGES IN EXISTING LAW

In compliance with subsection 3 of rule XXIX of the Standing Rules of the Senate there is herewith printed in parallel columns the text of the provisions of existing laws which would be amended by the provisions of the bill:

EXISTING LAW

(National Defense Act (39 Stat. 216))

SEC. 125. PROTECTION OF THE UNIFORM.—It shall be unlawful for any person not an officer or enlisted man of the United States Army, Navy, or Marine Corps, to wear the duly prescribed uniform of the United States Army, Navy, or Marine Corps, or any distinctive part of such uniform, or a uniform any part of which is similar to a distinctive part of the duly prescribed uniform of the United States Army, Navy, or Marine Corps: *Provided*, * * * *Provided further*, That the uniforms worn by officers or enlisted men of the National Guard, or by the members of the military societies or the instructors and members of the cadet corps referred to in the preceding proviso shall include some distinctive mark or insignia to be prescribed by the Secretary of War to distinguish such uniforms from the uniforms of the United States Army, Navy, and Marine Corps: *And provided further*, That the members of the military societies and the instructors and members of the cadet corps hereinbefore mentioned shall not wear the insignia of rank prescribed to be worn by officers of the United States Army, Navy, or Marine Corps, or any insignia of rank similar thereto.

Any person who offends against the provisions of this section shall, on conviction, be punished by a fine not exceeding \$300, or by imprisonment not exceeding six months, or by both such fine and imprisonment.

THE BILL

That section 125, National Defense Act (39 Stat. 216), as amended, be further amended by deleting after the word "by" in the second proviso the words "officers or enlisted men of the National Guard, or by."